AMENDED IN SENATE MAY 1, 2007

AMENDED IN SENATE APRIL 16, 2007

# SENATE BILL                              No. 888

## Introduced by Senator ~~Torlakson~~ *Perata*

February 23, 2007

~~An act to amend Sections 17071.75 and 52055.740 of the Education Code, relating to school facilities.~~ *An act to amend Section 60900 of the Education Code, relating to pupil data.*

LEGISLATIVE COUNSEL'S DIGEST

SB 888, as amended, ~~Torlakson~~ *Perata*. ~~School facilities: class size.~~ *California Longitudinal Pupil Achievement Data System.*

*Existing law requires the State Department of Education to contract for the development of the California Longitudinal Pupil Achievement Data System to provide for the retention and analysis of pupil achievement data on specified tests.*

*This bill would make technical, nonsubstantive changes to that provision.*

~~The Quality Education Investment Act of 2006 authorizes school districts and other local educational agencies to apply to the Superintendent of Public Instruction to receive funding to allocate to elementary and secondary schools and charter schools that are ranked in either decile 1 or 2 on the 2005 Academic Performance Index for use in performing various specified measures to improve academic instruction and pupil academic achievement. Participating schools, as defined, that receive funding are required to comply with various program requirements. County superintendents of schools are required to annually review participant schools and their data to determine compliance with the program requirements and to notify the~~

~~Superintendent if schools fail to satisfy those requirements. One requirement prescribes class size for classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, and sets forth the method for calculating average class size.~~

~~The Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities. The act requires the board to determine an applicant's maximum total new construction grant eligibility under a specified calculation.~~

~~This bill would exclude from the calculation of average class size for purposes of the Quality Education Investment Act of 2006, a class for which funding is received pursuant to the Program to Reduce Class Size in Two Courses in Grade 9. It also would exclude from the calculation used to determine an applicant's maximum total new construction grant eligibility under the Leroy F. Greene School Facilities Act of 1998, facilities acquired exclusively for the purpose of complying with the class size requirements of the Quality Education Investment Act of 2006.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1.*   *Section 60900 of the Education Code is amended*
2   *to read:*
3     60900.   (a)   The department shall contract for the development
4   of proposals ~~which~~ *that* will provide for the retention and analysis
5   of longitudinal pupil achievement data on the tests administered
6   pursuant to Chapter 5 (commencing with Section 60600), Chapter
7   7 (commencing with Section 60810), and Chapter 9 (commencing
8   with Section 60850). The longitudinal data shall be known as the
9   California Longitudinal Pupil Achievement Data System.
10   (b)   The proposals developed pursuant to subdivision (a) shall
11   evaluate and determine whether it would be most ~~effective~~ *efficient*,
12   from both a fiscal and a technological perspective, for the state to
13   own the system. The proposals ~~shall~~ additionally *shall* evaluate
14   and determine the most effective means of housing the California
15   Longitudinal Pupil Achievement Data System.

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1   (c)  The California Longitudinal Pupil Achievement Data System
2 shall be developed and implemented in accordance with all state
3 rules and regulations governing information technology projects.
4   (d)  The system or systems developed pursuant to this section
5 shall be used to accomplish all of the following goals:
6   (1)  To provide school districts and the department access to
7 data necessary to comply with federal reporting requirements
8 delineated in the federal No Child Left Behind Act of 2001 (20
9 U.S.C. Sec. 6301 et seq.).
10   (2)  To provide a better means of evaluating educational progress
11 and investments over time.
12   (3)  To provide local educational agencies information that can
13 be used to improve pupil achievement.
14   (4)  To provide an efficient, flexible, and secure means of
15 maintaining longitudinal statewide pupil level data.
16   (e)  In order to comply with federal law as delineated in the
17 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
18 et seq.), the local educational agency shall retain individual pupil
19 records for each test taker, including all of the following:
20   (1)  All demographic data collected from the STAR *Program*
21 test, high school exit examination, and English language
22 development ~~test~~ *tests*.
23   (2)  Pupil achievement data from assessments administered
24 pursuant to the STAR *Program*, high school exit examination, and
25 English language development testing programs. To the extent
26 feasible, data should include subscore data within each content
27 area.
28   (3)  A unique pupil identification number to be identical to the
29 pupil identifier developed pursuant to the California School
30 Information Services, which shall be retained by each local
31 educational agency and used to ensure the accuracy of information
32 on the header sheets of the STAR *Program* tests, high school exit
33 examination, and the English language development test.
34   (4)  All data necessary to compile reports required by the federal
35 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
36 including, but not limited to, dropout and graduation rates.
37   (5)  Other data elements deemed necessary by the Superintendent
38 ~~of Public Instruction~~, with approval of the state board, to comply
39 with the federal reporting requirements delineated in the federal
40 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),

1 after review and comment by the advisory board convened pursuant
2 to subdivision (h).
3   (f)  The California Longitudinal Pupil Achievement Data System
4 shall have all of the following characteristics:
5   (1)  The ability to sort by demographic element collected from
6 the STAR *Program* tests, high school exit examination, and English
7 language development test.
8   (2)  The capability to be expanded to include pupil achievement
9 data from multiple years.
10   (3)  The capability to monitor pupil achievement on the STAR
11 *Program* tests, high school exit examination, and English language
12 development test from year to year and school to school.
13   (4)  The capacity to provide data to the state and local educational
14 agencies upon their request.
15   (g)  Data elements and codes included in the system shall comply
16 with Sections 49061 to 49079, inclusive, and Sections 49602 and
17 56347, with Sections 430 to 438, inclusive, of Title 5 of the
18 California Code of Regulations, with the Information Practices
19 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
20 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
21 Family Education Rights and Privacy Act ~~statute~~ (20 U.S.C. ~~Secs.~~
22 ~~1232g and 1232h)~~ *Sec. 1232g), Section 1242h of Title 20 of the*
23 *United States Code,* and related federal regulations.
24   (h)  The department shall convene an advisory board consisting
25 of representatives from the state board, the Secretary for Education,
26 the Department of Finance, the State Privacy Ombudsman, the
27 Legislative Analyst's Office, representatives of parent groups,
28 school districts, and local educational agencies, and education
29 researchers to establish privacy and access protocols, provide
30 general guidance, and make recommendations relative to data
31 elements. The department is encouraged to seek representation
32 broadly reflective of the general public of California.
33   (i)  Subject to funding being provided in the annual Budget Act,
34 the department shall contract with a consultant for independent
35 project oversight. The Director of Finance shall review the request
36 for proposals for the contract. The consultant hired to conduct the
37 independent project oversight *biannually* shall ~~twice annually~~
38 submit a written report to the Superintendent ~~of Public Instruction~~,
39 the state board, the advisory board, the Director of Finance, the
40 Legislative Analyst, and the appropriate policy and fiscal

1  committees of the Legislature. The report shall include an
2  evaluation of the extent to which the California Longitudinal Pupil
3  Achievement Data System is meeting the goals described in
4  subdivision (b) *(d)* and recommendations to improve the data
5  system in ensuring the privacy of individual pupil information and
6  providing the data needed by the state and school districts.
7    (j) This section shall be implemented using federal funds
8  received pursuant to the federal No Child Left Behind Act of 2001
9  (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes
10  of this section in Item 6110-113-0890 of Section 2.00 of the Budget
11  Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
12  these funds is contingent on approval of an expenditure plan by
13  the Department of Finance.
14    (k) For purposes of this chapter, a local educational agency shall
15  include a county office of education, a school district, or charter
16  school.
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19    **All matter omitted in this version of the bill**
20    **appears in the bill as amended in the**
21    **Senate, April 16, 2007. (JR11)**
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